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District Courts of Harris County



JUDGE KYLE CARTER

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125TH COURT RULES AND PROCEDURES



Judge Kyle Carter
125th District Court
201 Caroline
10th Floor
Houston TX 77002

Rules and Procedures:

1. HEARING LOCATION

We are located at 201 Caroline, Houston, TX 77002, on the 10th floor.

2. CONTACTING THE COURT

For matters relating to hearings and motions, contact:

Lead Clerk:

[Jimmy Rodriguez](#) at 832-927-2550

Assistant Clerk:

N/A

Contact the clerk for the status of any agreed or unopposed orders submitted to the Court. To determine whether the Court has ruled on a motion please check the District Clerk's website or contact the Court for status.

For matters relating to trials, contact:

[Melissa Torres](#) at 832-927-2553 or Melissa_torres@justex.net

For information relating to transcripts, contact:

[Elizabeth Cordova](#) at 832-927-2554

3. E-FILING

The Rules of Civil Procedure require litigants to electronically file documents and pleadings with the Harris County District Clerk. Litigants need prior authorizations from the Court before hand-delivering or faxing documents directly to the Court. The District Clerks will not accept documents delivered directly to the court for filing. Litigants are responsible for ensuring that documents become part of the Court's record by e-filing the documents.

3.1 E-FILING INSTRUCTIONS

Type the **entire title** of your pleading. Do not abbreviate parts of the title. The clerks need the full and complete title of the pleading to insure proper filing. Do not split your documents in different envelopes. Clearly label all exhibits. Do not attach proposed orders as exhibits.

Example:

- Lead Document – Motion
- Sub Document- Exhibit 1/A
- Sub Document- Exhibit 2/B
- Sub Document- Proposed Order
- Sub Document- Filing Letter

4. MOTIONS

Please call the court clerk to schedule a hearing on a motion. The Court's oral hearing docket day is Friday. The Court also conducts oral

hearings off-docket as permitted by the trial schedule. If you need to schedule an off-docket hearing please request one from the clerk.

4.1 ORDERS

All motions and responses must be filed with a corresponding order. The Court may pass motions filed without proposed orders. Occasionally, the Court may require the parties to submit modified orders to the Court clerk in Word format to the court clerk.

When submitting a proposed order after a hearing, include a cover letter and indicate whether the proposed order is agreed to in form by opposing counsel.

4.2 AGREED MOTIONS

The Court may hear agreed or unopposed motions by submission. All unopposed or agreed motions should be titled as such. All agreed motions and proposed orders must contain the signatures of all those in agreement. Unopposed motions must contain a certificate of conference. If the Court denies an agreed or unopposed motion, a litigant may request a subsequent oral hearing on that motion.

4.3 CERTIFICATE OF CONFERENCE

The Court encourages all attorneys to cooperate on matters prior to seeking court intervention. All motions must be accompanied by a certificate of conference detailing the efforts undertaken to discuss the motion with opposing counsel. Failure to file a certificate of conference may result in a motion being passed.

4.4 MOTION RESPONSES

E-File responses to motions at least 24 hours prior to the hearing and include a proposed order.

4.5 COURTESY COPIES

The Court permits courtesy copies of all motions. Please provide all courtesy copies to the court clerk. Once the hearing is concluded all courtesy copies will be destroyed.

4.6 DISCOVERY MOTIONS

The Court expects all litigants to make an effort to cooperate and resolve disputes prior to seeking court intervention. If the parties must seek assistance with respect to discovery matters, the movant should file a motion outlining the discovery dispute, the effort made to resolve that dispute, and the relief requested from the Court. The parties should conference on all discovery motions prior to a hearing and be prepared address these efforts with the Court. If you are requesting the Court rule on objections, present a motion and order that contains the specific requests made along with the objections made and a blank to either overrule or sustain the objection.

4.6.1 SANCTIONS

Do not request sanctions unless there has been sanctionable conduct that is serious in nature. Do not request “death penalty” sanctions unless the Court has issued some prior award of sanctions. Sanctions are not favored and are only used as necessary to get a party to comply with the orders of the Court.

4.7 SUMMARY JUDGMENTS

Motions for summary judgment should be set by submission with proper notice according to the rules of civil procedure. If the Court deems an oral hearing necessary the clerk will schedule an oral hearing and notify the parties. If the movant would like an oral hearing, please inform the clerk and one will be scheduled. If a non-moving party

would like an oral hearing, then a motion for continuance of the submission date should be filed. Parties are not permitted to change an opposing parties setting from submission to oral hearing without an order from the Court.

Do not wait until trial to schedule a summary judgment. Summary judgments should be heard at least 1 month prior to trial. In complex cases the Court may require the parties to submit a proposed jury charge prior to considering a summary judgment.

Proposed orders should include total damages and attorneys fees. The motion must contain evidence to support the amounts contained in the judgment.

4.8 CONTINUANCES

Motions for continuance should be filed with the clerk and discussed with the trial coordinator. The Court will grant the first motion for continuance filed by either party. Additionally, the Court will grant the first two agreed motions for continuance without the need for an oral hearing. Any subsequent motion for continuance will require additional explanation. The movant must demonstrate the need for the continuance and indicate that the clients have been informed.

4.9 DEFAULT JUDGMENTS

The parties shall file a motion for default judgment and set the same as a motion on the Court's submission docket. If an oral hearing is required to present evidence please inform the court clerk and an oral hearing will be scheduled. Please include all exhibits demonstrating service, non-military affidavit, certificate of last known address, and damages. To obtain certificates of service or non-service under the Servicemembers' Civil Relief Act, you may access the public website: <https://scra.dmdc.osd.mil/scra/#/home>. This website will provide the current active military status of an individual.

4.10 SUBSTITUTED SERVICE

If a party is seeking substituted service pursuant to 106 please provide a motion along with an affidavit that establishes that the person to be served can be found at the service address. Additionally, the parties should use the Court's prescribed [order](#).

4.11 PROTECTIVE ORDERS

The Court encourages the parties to cooperate to determine if a protective order shall be necessary. If the parties determine that such an order will be necessary the parties are directed to the Courts prescribed order. If the parties are seeking an order that would provide that any documents filed in the records of the court shall be sealed and not open to the public, then the parties must comply with Texas Rule Civil Procedure 76a.

4.12 MOTION TO WITHDRAW

Motions to withdraw as attorney of record must contain the parties telephone number, address, email address, current deadlines and trial settings. Orders on motions to withdraw **MUST** include contact information for the pro se party including: name, address, telephone number and email address. Failure to include the required contact information will result in the motion being denied.

4.13 MOTION TO RETAIN

Motions to retain will be granted up to 3 times without an oral hearing. Any subsequent motion to retain will require an oral hearing.

4.14 SPECIAL EXCEPTIONS

Special exception should specifically state the language objected to and the reasoning for the objection. The language excepted to should be stated verbatim in the motion and the order.

4.15 MOTIONS FOR SEVERANCE

Motions for severance must include an order which states:

1. The style of the case;
2. The new cause number, e.g. 2018-12345A
3. Parties to be included in the severed case
4. Documents to be included in the severed case.
5. Whether the severed order disposes of the severed case or if the case shall remain active.
6. The party paying the costs of court and severance.

4.16 IN CAMERA DOCUMENTS

If a party desires an in camera review of documents the moving party shall provide the documents via hand delivery to the clerk of court. Once the documents have been provided the moving party shall schedule a status conference off-docket through the court clerk. At the status conference the Court will review the documents and determine whatever rulings are necessary.

5. HEARINGS

5.1 YOUNG LAWYERS

The Court strongly encourages the lawyers to provide opportunities for young lawyers (practicing less than 4 years) to participate in hearings or trials particularly when the young lawyer drafted or contributed significantly to the underlying motion and response. Providing substantive speaking opportunities to young lawyers benefits

the profession, the lawyers, and the clients. The Court encourages all lawyers practicing before it to keep this goal in mind.

5.2 ORAL HEARING DOCKET

The Court's oral hearing docket is on Fridays. The parties should provide appropriate notice as required by the Texas Rules of Civil Procedure and the Local Rules of the Harris County District Courts. Call the court clerk for a hearing date and time. Do not file a blank request for an oral hearing date. Once the clerk has provided a hearing date and time, then file a notice of oral hearing, not before. Parties are not permitted to change an opposing parties setting from submission to oral hearing without an order from the Court.

5.3 SUBMISSION DOCKET

The Court's submission docket is every Monday at 8:00 a.m. Please obtain the submission date and time from the court clerk prior to filing you notice of submission.

5.4 TEMPORARY INJUNCTIONS

Temporary injunctions are set on Fridays at 11:00 a.m. Before scheduling the hearing, the movants should call the Court and advise 1) regarding readiness to proceed with the hearing, and 2) the estimated length of the hearing. Depending on trial schedules and the length of the hearing, the Court may find it necessary to extend the TRO and reschedule the temporary injunction hearing. Parties should not bring witnesses to court without checking with the court clerk.

5.5 MINOR SETTLEMENTS

The court **MUST** approve the disposition of all cases involving minors. In motions requesting the appointment of a guardian ad litem,

please include a brief description of the case and any other issues you would like the Court to consider. The court will appoint ad litem based on the complexity of the case and the ad litem's experience. The court welcomes the attendance of minor children at the minor settlement hearing, however unless specifically ordered by the court, the minor is not required to attend.

5.6 EXPEDITED HEARINGS

Please call the clerk if you would like an expedited hearing. If there is not an available docket day then the parties may request an off-docket hearing. The Court is also available for non-evidentiary telephonic hearings at the request of the parties.

5.7 APPEARANCE BY PHONE

The Court permits appearances at hearings by phone. Please contact the Court's clerk to schedule an appearance by telephone.

5.8 APPEARANCE BY SKYPE/FACE-TIME

The Court permits appearances and the calling of witnesses at hearings and trial through video conferencing services such as Skype and Face-Time. Please call the clerk to schedule a video conference appearance. It is the responsibility of the movant to set up such services.

6. TRIALS

Parties need to file and exchange exhibit lists, motions in limine, deposition offers, proposed jury charges, proposed findings of fact and conclusions of law 7 days prior to trial, or in accordance with the Courts pre-trial order.

6.1 DOCKET CALL

Parties are required to attend docket call. At docket call be prepared to discuss whether the case is ready to go to trial, the length of the trial, the number of witnesses, whether to schedule a pre-trial conference on a day other than the trial date.

6.2 PRE-TRIAL CONFERENCE

Prior to trial the Court will conduct a pre-trial conference to pre-admit exhibits, rule on motions in limine, rule on deposition offers, or anything else needed by the parties.

6.3 MOTIONS IN LIMINE

The parties must exchange motions in limine prior to the pre-trial conference in accordance with the pre-trial order. The parties are urged to cooperate and should be prepared to inform the Court at the pre-trial conference those matters that are agreed.

6.4 EXPERT WITNESSESS CHALLENGES

All challenges to expert witnesses should be conducted in accordance with the docket control order and the Texas Rules of Civil Procedure. Parties shall set all motions to challenge expert for hearing **before** the trial date. Parties should not wait until the day of trial to challenge expert testimony.

6.5 JURY CHARGE

The parties must file their proposed charge and must provide the court with a copy on a flash drive.

6.6 VOIR DIRE

Time for voir dire depends on the complexity of the case. If the parties would like to use a jury questionnaire please inform the Court at the docket call, or at a status conference prior to the day of trial.

The parties are encouraged to agree to the contents of the proposed jury questionnaire. After the conclusion of the voir dire the Court will entertain challenges to jurors outside the presence of the panel.

6.7 FINDINGS OF FACT CONCLUSIONS OF LAW

Parties should file their proposed findings of fact and conclusions of law with the Court prior to the day of trial in accordance with the pre-trial order.

7. TAX DOCKET

The Court conducts its tax hearing and trial dockets every other Friday at 1:30p.m. Please contact the court clerk for a hearing date and time. Please contact the court coordinator regarding any questions about trial dates.

7.1 TAX AD LITEMS

Attorney ad litem appointed to represent unknown heirs must appear at the final trial of the case. The attorney should be prepared to offer testimony about the work performed in attempting to locate their client and the results of that investigation. Based on the testimony the Court will determine whether to go forward with trial or require additional action. [See Order.](#)

7.2 TAX DEFAULT JUDGMENTS

The Court will not proceed with default judgment if the party appears at the hearing on default judgment. However, the party must complete a notice of appearance and answer form at the time of the hearing so that the matter can be set for trial.

HELPFUL RESOURCES



Judges



Attorneys

- Civil Ad Litem
- FDAMS Application
- FDAMS User Guide
- Standards and Procedures
- Vips Application
- Vips Support Documents and Useful Resource Links
- HCSO Inmate Visitation Info



Reporters

- Court Reporter Case Management System



Media

- Civil Electronic Media Rules



Employees

- Microsoft Outlook Web Access
- Accessing County Resources



Statistics

- Civil
- Criminal
- Family
- Juvenile



Career Opportunities

Job Vacancies

Externships

Internships

Volunteers

Harris County Links

Harris County | Texas

Harris County Community Supervision & Corrections Department

Harris County Pretrial Services

HC AZ

Court Agenda

County Directory

Employees

County Holidays

District Clerk

The Administrative Office of the District Courts

1201 Franklin, 7th Floor

Houston, Texas 77002

Thank you for visiting us

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